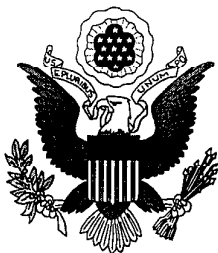


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

OFFICE OF THE CLERK



NOTICE TO COUNSEL

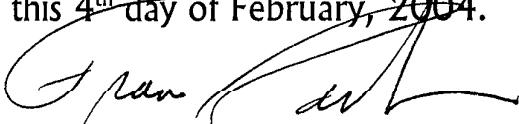
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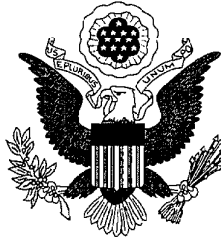
MANUAL FOR CM/ECF

Please take notice that on this date, February 4, 2004, by the authority the Court has vested on me in Electronic Case Filing, Standing Order No. 1, Misc. No. 03-149(HL), I am issuing the Manual for Civil and Criminal Cases, Administrative Procedure for Filing, Signing and Verifying Pleadings and Papers by Electronic Means in the United States District Court for the District of Puerto Rico. This Manual will be revised as necessary and will be immediately published and posted in the Court's web-site at www.prd.uscourts.gov.

Attorneys are reminded that beginning on February 24, 2004, filings with the Court will be done via the internet (ECF) and that the electronic files will be deemed the official files of the Court. Accordingly, attorneys are encouraged to retrieve the above Manual and become familiar with its procedures.

In San Juan, Puerto Rico, this 4th day of February, 2004.


FRANCES RIOS DE MORAN, ESQ.
CLERK OF COURT



MANUAL FOR CIVIL AND CRIMINAL CASES

**ADMINISTRATIVE PROCEDURE FOR FILING,
SIGNING, AND VERIFYING PLEADINGS AND PAPERS
BY ELECTRONIC MEANS
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS
IN CIVIL AND CRIMINAL CASES**

TABLE OF CONTENTS

I.	THE ELECTRONIC FILING SYSTEM	1
A.	AUTHORITY	1
B.	DEFINITIONS	1
C.	IN GENERAL	1
D.	REGISTRATION	3
E.	PASSWORDS	5
II.	ELECTRONIC FILING AND SERVICE OF DOCUMENTS	5
A.	FILING	5
B.	SERVICE	10
C.	SIGNATURES	12
D.	FEES PAYABLE TO THE CLERK	15
E.	ORDERS	15
F.	TITLE OF DOCKET ENTRIES	17
G.	CORRECTING DOCKET ENTRIES	17
H.	TECHNICAL FAILURES	18
I.	PRIVACY	19
III.	CONVENTIONAL FILING OF DOCUMENTS	21
A.	DOCUMENTS TO BE FILED UNDER SEAL	22
B.	PRO-SE FILERS	22
C.	SOCIAL SECURITY CASES	22
IV.	EXHIBITS	23
A.	EVIDENCE NOT IN SUPPORT OF A MOTION	23
B.	EVIDENCE IN SUPPORT OF A MOTION	25
V.	PUBLIC ACCESS TO THE SYSTEM DOCKET	26
A.	PUBLIC ACCESS AT THE COURT	26
B.	INTERNET ACCESS	26

C.	CONVENTIONAL COPIES AND CERTIFIED COPIES	27
FORM A	ELECTRONIC CASE FILING SYSTEM ATTORNEY REGISTRATION FORM . . .	28
FORM B	SAMPLE FORMATS - CERTIFICATE OF SERVICE	30
FORM C	NOTICE REGARDING STATE COURT FILE	31
FORM D	DECLARATION THAT PARTY WAS UNABLE TO FILE IN TIMELY MATTER DUE TO TECHNICAL DIFFICULTIES	32
<u>APPENDIX I</u>	Judicial Conference Report of Proceedings of 9/23/03.	
<u>APPENDIX II</u>	AO Memorandum of October 22, 2002	

**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS
IN CIVIL AND CRIMINAL CASES**

I. THE ELECTRONIC FILING SYSTEM

A. AUTHORITY. This manual is published under the authority vested upon the Clerk of Court by Standing Order No. 1 (In the Matter of Electronic Case Filing, Miscellaneous No. 03-149 (HL), issued on November 24, 2003).

B. DEFINITIONS.

1. The term “document” shall include pleadings, indictments, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and other filings by or to the Court.
2. The term “party” shall include both counsel of record and pro-se litigants.
3. All hours stated shall correspond to Atlantic time.

C. IN GENERAL. Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents¹ submitted for filing in this district after February 24, 2004, in civil and criminal cases, no matter when a case was originally filed, shall be

¹The requirement that “all documents” be filed electronically includes briefs, exhibits/attachments, and transcripts of proceedings used in support of motions or at trial – a substantial departure from prior district Court procedure.

filed electronically using the Electronic Filing System (“System”) or shall be scanned² and uploaded to the System.³

1. Parties proceeding pro se shall not file electronically.
2. The filing of social security cases shall be subject to the limitations imposed in III(C) of these procedures.
3. A case filed under seal will be maintained in paper form until the assigned judge orders the case unsealed.
4. Juvenile criminal matters shall not be filed electronically unless, after hearing, the Court rules that the juvenile shall be tried as an adult.
5. While registered attorneys of record will have remote access to documents in Social Security and criminal cases, no public remote access will be available until further order of the Court.⁴ Public

²When scanning documents to be subsequently filed electronically, filing parties should make certain their scanners are configured for 200 dpi, and for black and white rather than color scanning. The filing party is responsible for the legibility of the scanned document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must conventionally file it with the Clerk’s Office and file an electronic notice of manual filing into the electronic record.

Because large documents may not upload properly to the System or download within a reasonable amount of time for users with a 56K modem, documents over 50 pages will be rejected by the System and must be broken into 50-page segments for electronic filing or filed conventionally.

As used in these administrative procedures, a “conventionally” filed or submitted document or pleading is one presented to the Court or a party in paper or other non-electronic, tangible format.

³“Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the Court’s Internet-based System, to file that pleading or document in the Court’s case file. Sending a document or pleading to the Court via e-mail does not constitute “electronic filing.”

⁴On March 13, 2002, the Judicial Conference of the United States approved an exception to the prohibition on public access to criminal case records. In a high-profile criminal case where the demand for documents will “impose extraordinary demands on a Court’s resources,” the Court is authorized to provide Internet access to criminal case files “if all parties consent and the trial judge or presiding judge of an appellate panel finds that such access would be warranted.”

In September 2003, the Judicial Conference revised the policy and determined to open electronic

access to docket sheets in criminal cases, however, will be available. Also, members of the public may view electronic criminal files at the public terminals in the Clerk's Office.

D. REGISTRATION.

1. Attorneys must complete and sign the Attorney Registration Form to file electronically. The Registration Form is attached to these procedures as Form A. The form is also available on the Court's web site at <http://www.prd.uscourts.gov>.
 - a. The Court will issue passwords only to attorneys who are members in good standing of this Court or admitted pro-hac-vice according to Local Rule. To be in good standing, an attorney must meet the requirements in Local Rule 83.1.
2. All signed original Attorney Registration Forms shall be faxed to 787-766-6482 or 787-772-3415, or mailed or delivered to the Clerk's Office, United States District Court, Attn: ECF Attorney Registration, 150 Federal Building, 150 Carlos Chardón Avenue, Hato Rey, P.R. 00918-1767.
3. To ensure that the Clerk's Office has correctly entered a registering attorney's Internet e-mail address in the System, the Clerk's Office

access to criminal documents to the public. Implementation of this revised policy has been deferred. See pertinent parts of the Report of the Proceedings of the Judicial Conference of the United States, dated September 23, 2003, at pp. 15-16, attached as **Appendix I**.

will send the attorney an Internet e-mail message after assigning the attorney a password. The Clerk's Office will then either mail password information to the attorney by regular, first-class mail, or the attorney may arrange to pick up his/her password at the Clerk's Office.

4. Once registered, an attorney may withdraw from participating in the System by providing the Clerk's Office with notice of withdrawal. Such notice must be in writing, and mailed or delivered to Clerk's Office, United States District Court, 150 Federal Building, 150 Carlos Chardón Avenue, Hato Rey, P.R. 00918-1767. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in the System shall not be construed as authorization to file cases or documents conventionally.
5. After registering, attorneys may change their passwords. However, if an attorney comes to believe that the security of an existing password has been compromised and that a threat to the System exists, the attorney must change his or her password immediately.
6. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney

Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties.

E. PASSWORDS. Each attorney admitted to practice in the District of Puerto Rico shall be entitled to one System password from the District Court. The password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized agent and/or employee of his or her office.
2. Once registered, the attorney shall be responsible for all documents filed with his or her password.
3. Registration for a password is governed by Section I(D), below.
4. An attorney admitted pro hac vice must register for a password in accordance with these Administrative Procedures.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. All motions, pleadings, applications, briefs, memoranda of law, transcripts of proceedings⁵, or other documents in a civil case as

⁵ The Judicial Conference approved a policy that requires the Court to make electronic transcripts of proceedings available on the internet. This policy is consistent with this Court's long past practice of filing original transcripts as part of the case record. Application of the directives contained in the Administrative Office of the U.S. Courts' memorandum of October 22, 2002, attached as **Appendix II**, has been deferred by Judicial Conference action until at least March 2004, at which time the Judicial Conference will consider a report by the Judicial Resources Committee and the impact of the policy on court reporter compensation.

well as all charging documents (including the complaint, information, and indictment), motions, applications, briefs, memoranda of law, transcripts of proceedings, or other documents in a criminal case shall be electronically filed in the adobe-acrobat .pdf format in the System, except as otherwise provided by these administrative procedures.

- a. E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Civil Procedure until the ECF system generates a "Notice of Electronic Filing" described in II(B)1 of these procedures. **Attorneys shall not e-mail documents directly to the Clerk's Office.**

2. Complaints in Civil Cases.

- a. The Clerk's Office will accept complaints and civil cover sheets sent by United States mail or delivered in person to the Clerk's Office.
 - i. The filing fee must accompany a complaint sent through the United States mail or personally delivered to the Clerk's Office.
 - li. Once the case has been opened, the Clerk's Office will notify the filer so that he/she submits the electronic

version of the complaint. The electronic-format version must be submitted **not later than the close of business of the next working day.**

- b. The filing drop box located at the entrance of the courthouse in Federico Degetau Federal Building will remain in operation **only** for “after hours” filing of initial complaints and for filing of documents in conventional format as permitted by the Court and this Manual.
- c. For removal cases from state court, the filer will continue to attach certified copies of all original pleadings filed at the state level such as complaints, summons, motions, etc., in electronic form. If the pleadings are excessively bulky, then the filer may file an electronic motion for leave of Court to submit them in conventional form. If granted, the Office of the Clerk will issue the attached notice entitled - “NOTICE REGARDING STATE COURT FILE”. (Form C).
- d. New cases are deemed filed the day the Clerk’s Office receives the complaint with the required filing fee.
- e. A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure 4.

3. Summons in Civil Cases.

- a. The party requesting a summons must complete the top portion of the summons form and either hand-deliver it or send it via United States mail to the Clerk's Office. If sending the summons by United States mail, also submit a stamped, self-addressed return envelope. Once a summons has been issued, the Clerk's Office will return the summons to the attorney or party personally or by mail.
- b. A party may not electronically serve a summons, but instead must perfect service according to Federal Rule of Civil Procedure 4.
- c. The serving attorney shall be responsible for filing proof of service electronically (by scanning the documents and electronically filing with the Court).

4. A document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned judge will order that document filed by a time certain.

5. If filing a document requires leave of the Court, such as an amended complaint or a reply brief in civil cases, or such as a motion to submit a reply brief in criminal cases, the attorney shall attach the proposed document as an exhibit to the motion and e-mail it to the judge's designated mailbox according to the procedures in Section

IV(B). If the Court grants the motion, the order will direct the attorney to file the document electronically with the Court.

6. Attachments and exhibits larger than fifty (50) pages may be filed electronically in two or more separate 50-page segments or may be submitted in conventional format. Each attachment upload should be only a single item, appropriately named. Examples: Attachment 1 - Contract of 8/1/02; Attachment 2 - Addendum of 8/15/02, etc., or Attachment 1 - Medical Records of Jan. 1-2/02; Attachment 2 - Medical Records of Jan. 11-28, 2002, etc. The filing party must serve conventional copies on all other parties to the case.
7. The Clerk's Office shall not maintain a paper court file in any case begun after the effective date of these procedures, except as otherwise provided in these procedures. **As of February 24, 2004, the official court record shall be the electronic file maintained on the Court's servers.** The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures.
 - a. The Clerk's Office will discard all paper versions of documents brought to the Clerk's Office. Notwithstanding, in criminal cases, the Clerk's Office will retain all original

indictments, petitions to enter pleas of guilty, and plea agreements.⁶

- b. Prior to submitting the document to the Clerk's Office, an attorney who wishes to have the paper version of a document returned, must seek authorization from the assigned judge for the document's return. Authorization, if granted, will be on a submission-by-submission basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System is programmed to automatically generate a "Notice of Electronic Filing" to all parties in the case, to registered users who have requested electronic notice in that case (civil, non-Social Security),⁷ and to the assigned judge.

⁶ If an attorney believes a document with original signatures has some intrinsic value, the attorney is encouraged to retain the original document and submit to the Clerk's Office a copy of the document with faxed or photocopied signatures. **Original documents containing notarized signatures must be kept by counsel through the completion of the appeal process. In criminal cases, documents containing notarized signatures will be kept by counsel for five years.**

⁷ To determine whether another party is a registered user, the filer can select the System's "Utilities" category, and then click on "Mailing Information for a Case" on the pull-down menu. The filer then enters the case number and the System information will appear, stating whether or not the filer must mail a copy or if the System will electronically generate one.

- a. If the recipient is a registered participant in the System, the System's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form B.
3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the "Notice of Electronic Filing" to provide the recipient, including the Court, with proof of the filing.
4. The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail, applicable to both civil and criminal cases, shall also apply to service by electronic means.
5. Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying

deadlines, is for Court use only and should not be relied upon as an accurate computation of the response date.

6. An exempted filer for electronic filing who brings a document to the Clerk's Office for scanning and uploading to the System must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax. However, email or fax service requires the consent of the served party pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49 (b). For fax noticing, the Court's registry of consent for fax service supplies the required consent stated above.

C. SIGNATURES.

1. Non-Attorney Signature, Generally. If the original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document, then electronically file it on the System.
 - a. The electronically filed document as it is maintained on the Court's servers shall constitute the official version of that record. The Court will not maintain a paper copy of the original document.

b. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

2. Attorney Signature. A pleading or other document requiring an attorney's signature shall be signed in the following manner, whether filed electronically or submitted on disk to the Clerk's Office: "s/ (attorney name) ." The correct format for an attorney signature is as follows:

s/ Judith Attorney

Judith Attorney Bar Number: 12345

Attorney for (Plaintiff/Defendant)

ABC Law Firm

123 South Street

San Juan, Puerto Rico 00918

Telephone: (787) 123-4567

Fax: (787)123-4567

E-mail: judith_attorney@law.com

a. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

3. Multiple Signatures. The following procedure applies when a stipulation or other document requires two or more signatures:

- a. The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this manual, physical, facsimile, or ECF signatures are permitted.
 - b. The filing party or attorney then shall file the document electronically, indicating the signatories, *e.g.*, “s/ Jane Doe,” “s/ John Smith,” etc. The correct format for a signature is referenced at Section II(C)2.
 - c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within ten days of receiving the Notice of Electronic Filing.
4. Documents in Criminal Cases. Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a United States Marshal, an officer from Pretrial Services or Probation, or some other federal officer or agent. In general, the Clerk’s Office will scan these documents, upload them to the System, and except as otherwise provided by these administrative procedures, discard

them. The electronically filed document as it is maintained on the Court's servers shall constitute the official version of that record.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a pleading or paper in District Court is payable to the Clerk of Court by check, money order, or cash. The Clerk's Office will document the receipt of fees on the docket with a text-only entry. The Court will not maintain electronic billing or debit accounts for lawyers or law firms.

E. ORDERS.

1. The assigned judge or the Clerk's Office shall electronically file all signed orders. Any order signed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket conventionally.
2. Electronically submitted proposed orders may not be combined with the motion into one document. The motion must be docketed tendered as attachment prior to submitting the proposed order to the judge, and the proposed order must refer to the resulting docket entry number for the motion.
3. A filing party moving for issuance of a writ, warrant or summons should advise the judge that a prompt ruling is required and attach the writ, warrant or summons in .pdf format to the proposed order

(if one is needed). A motion to file document(s) under seal shall be made in the manner specified in Section III(A) of these procedures.

4. Proposed orders may be submitted in .pdf format and in a format compatible with WordPerfect, which is a “Save As” alternative in most word processing software, **at the option of the judge.**

- a. If the judge determines that the submission will be done in a “WordPerfect” compatible format, the proposed order should be attached to an Internet e-mail sent to the e-mail address of the assigned judge. The judges’ e-mail addresses are as follows:

<u>Judge</u>	<u>Electronic Address</u>
Héctor M. Laffitte	PRD_HL@prd.uscourts.gov
José Antonio Fusté	PRD_JAF@prd.uscourts.gov
Juan M. Pérez-Giménez	PRD_PG@prd.uscourts.gov
Carmen Consuelo Cerezo	PRD_CC@prd.uscourts.gov
Salvador E. Casellas	PRD_SEC@prd.uscourts.gov
Daniel R. Domínguez	PRD_DRD@prd.uscourts.gov
Jay A. García-Gregory	PRD_JAG@prd.uscourts.gov
Justo Arenas	PRD_JA@prd.uscourts.gov
J. Antonio Castellanos	PRD_JAC@prd.uscourts.gov
Aida Delgado-Colón	PRD_ADC@prd.uscourts.gov
Gustavo A. Gelpí	PRD_GAG@prd.uscourts.gov

Jaime Pieras

PRD_JP@prd.uscourts.gov

Raymond L. Acosta

PRD_RLA@prd.uscourts.gov

5. When mailing paper copies of an electronically-filed order to a party who is not a registered participant of the System, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.
6. The assigned judge or the Clerk's Office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no .pdf document will issue; the text-only entry shall constitute the Court's only order on the matter. The System will generate a "Notice of Electronic Filing" as described in II(B)(1) of these procedures and a copy of the "Notice of Electronic Filing" will be sent to non-electronic parties.

F. TITLE OF DOCKET ENTRIES. The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.⁸

G. CORRECTING DOCKET ENTRIES.

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's

⁸ Readers may view a copy of the dictionary on the Court's web site, <http://www.prd.uscourts.gov>.

Office. The System will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.

2. A document incorrectly filed in a case may be the result of posting the wrong .pdf file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to refile the document.**
3. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. The filing party will be advised *if* the document needs to be refiled.

H. TECHNICAL FAILURES. A filing party whose filing is made untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the Court. The Clerk's Office shall deem the District of Puerto Rico CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time

greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible.

1. Generally, problems on the filer's end such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end may file a motion for relief with the Court. See model of appropriate motion (Form D).

I. PRIVACY.

1. Redacted Documents. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise. **Do not use blackout feature or black highlighting in electronic docketing (as opposed to scanned), since data carries through.**
 - a. Minors' names: Use the minors' initials;

- b. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- c. Social security numbers: Use only the last four numbers;
- d. Dates of birth: Use only the year; and
- e. Other data as directed by order of the Court.

In addition, the filing party may omit or, where inclusion is necessary, partially redact the following confidential information from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise.

- a. Personal identifying number, such as driver's license number;
- b. Medical records, treatment and diagnosis;
- c. Employment history;
- d. Individual financial information; and
- e. Proprietary or trade secret information.

2. Unredacted Documents. A party may file under seal a document containing the unredacted personal data identifiers listed above.

- a. The party seeking to file an unredacted document may, but is not required, to file electronically a motion or application to file the document under seal pursuant to the E-Government Act of 2002. A motion or application not filed electronically shall be presented in conventional format to the chambers of

the assigned magistrate or district judge along with a proposed order.

- b. If the assigned judge grants the motion or application, the filing party shall then submit the unredacted paper document to the Clerk's Office. The paper document must have a cover page or notation on the first page stating the following:
"Document filed under seal pursuant to the E-Government Act." The Court will retain this paper document as part of the record.
- c. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.

- 3. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper.

III. CONVENTIONAL FILING OF DOCUMENTS THAT ARE TREATED AS AN EXEMPTION FOR ELECTRONIC FILING AS ALLOWED BY THE COURT. The following procedures govern documents filed conventionally. The Court, upon application, may also authorize conventional filing of other documents otherwise subject to these procedures.

- A. **DOCUMENTS TO BE FILED UNDER SEAL.** A party may, but is not required, to file electronically a motion or application to file documents under seal. A motion or application not filed electronically shall be presented in conventional format to the Clerk's Office along with a proposed order. If the motion or application is granted, the assigned judge may enter electronically the order authorizing the filing of the documents under seal, after which the sealed documents will be filed in the vault at the Clerk's Office.
- B. **PRO-SE FILERS.** Pro-se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed or which require either verification or an unsworn declaration under any rule or statute. The Clerk's Office will scan these original documents into an electronic file in the System, but will also maintain a paper file.
- C. **SOCIAL SECURITY CASES.** Absent a showing of good cause, all documents, notices, and orders in social security reviews filed in the District Court after the System is implemented shall be filed and noticed electronically, except as noted below.
1. The complaint and other documents typically submitted at the time a social security case is filed initially will be filed electronically and served according to II(A) of these procedures.

2. Social security transcripts will be conventionally filed and served since scanning that set of documents and filing or retrieving them electronically is impractical at this time. Since social security transcripts will not be scanned or otherwise placed into the System, the filer will electronically file the Notice of Filing Transcript stating that the transcript is available in paper format at the Clerk's Office.
3. All other documents in the case, including briefs, will be filed and served electronically unless the Court otherwise orders.
4. To address the privacy issues inherent in a social security review, Internet access to the individual documents will be limited to counsel of record in the case and court staff. Docket sheets, however, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

IV. EXHIBITS.

A. EVIDENCE NOT IN SUPPORT OF A MOTION. This section applies to exhibits other than those submitted in support of a motion, *e.g.*, an attachment to a complaint. Exhibits submitted in support of a motion are governed by IV(B) of these procedures.

1. A party may conventionally submit exhibits which are not available in electronic form or which are too lengthy to electronically image, *i.e.*,

“scan”. The Clerk’s Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry.

2. If possible, however, a filing party should electronically image, *i.e.*, “scan,” a paper exhibit that is less than fifty (50) pages and submit the exhibit as a .pdf file. Because .pdf files containing scanned documents take up considerably more space on the System than .pdf files containing electronically-generated documents, filing parties may submit .pdf files containing scanned documents of more than 50 pages only if they are filed in separate 50-page segments, duly indexed and named.
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white, rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the Court.
5. Exhibits submitted conventionally that must be served on other parties shall be served on other parties as if not subject to these procedures.

B. EVIDENCE IN SUPPORT OF A MOTION. In general, evidence in support of a motion should not be filed conventionally, but, rather, be filed electronically.

1. A party electronically submitting evidentiary materials to the Clerk's Office in support of a motion shall also file electronically a separate index listing each item of evidence being filed and identifying the motion to which it relates.
2. If possible, however, a filing party should electronically image, *i.e.*, "scan," a paper exhibit that is less than fifty (50) pages and submit the exhibit as a .pdf file. Because .pdf files containing scanned documents take up considerably more space on the System than .pdf files containing electronically-generated documents, filing parties may submit .pdf files containing scanned documents of more than 50 pages only if they are filed in separate 50-page segments.
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white, rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the Court.

5. A party submitting evidentiary materials in conventional format shall also file in conventional format an index of evidence listing each item of evidence being filed and identifying the motion to which it relates.
6. Copies of conventionally filed supporting materials that must be served on other parties shall be served on other parties as if not subject to electronic filing procedures.

V. PUBLIC ACCESS TO THE SYSTEM DOCKET

- A. PUBLIC ACCESS AT THE COURT.** Electronic access to the electronic docket and documents filed in the System will be available for viewing by the public at no charge at the Clerk's Office during regular business hours. A ten-cent per page copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.
- B. INTERNET ACCESS.** Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.⁹

⁹According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary CM/ECF users will be charged a fee of seven cents per page starting on July 1, 2002, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document has been approved. Thereafter, in September 2003, the Judicial Conference amended the Electronic Public Access Fee Schedule. The previous schedule placed a cap on

C. CONVENTIONAL COPIES AND CERTIFIED COPIES. Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

the seven cents per page charge for Internet access to data obtained electronically from the public records of individual cases in the Courts, with a maximum \$2.10, the equivalent of 30 pages, for electronic access to a single document. The amendment extends this cap to all case documents, including docket sheets and case-specific reports, with the exception of transcripts of federal Court proceedings.

The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

**United States District Court
for the District of Puerto Rico**

**ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM**

(PLEASE TYPE)

This form shall be used to register for accounts on the Courts' Case Management/Electronic Files (CM/ECF) systems. Registered attorneys and other participants will have privileges both to electronically submit documents and to view and retrieve electronic docket sheets and documents as available for all civil and criminal cases in the CM/ECF systems. Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the District of Puerto Rico or be admitted pro hac vice for a specific case pursuant to Local Rule 83.1. The following information is required for registration:

First/Middle/Last Name: _____

Last Four Digits of Social Security Number: _____

Attorney Federal Bar # (District of Puerto Rico): _____

If admitted pro hac vice, date motion pro hac vice granted: _____, for Case No. _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet ECF E-Mail Address: _____

Additional E-Mail Address: _____

Does your E-mail Software support *HTML (Hyper Text Markup Language) messages?

Yes _____ No _____

(*Note: Some e-mail software - like Microsoft Outlook, Microsoft Outlook Express & Lotus Notes -can display messages with special text formatting & graphics as Internet pages. Select "No" if you prefer to receive e-mails in plain text.)

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. The systems are for use only in cases designated by the U.S. District Court for the District of Puerto Rico. The systems may be used to file and view electronic documents, view docket sheets, and notices.

2. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. An attorney/participant's password issued by the Court combined with the user's identification (login), serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised in any way, such as resignation or reassignment of the person with authority to use the password, it is the duty and responsibility of the attorney/participant to immediately notify the Court. The Court will immediately delete the password from the electronic filing system and issue a new password.
3. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion and other paper shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.
4. Registration as a Filing User constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D); (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Notice by electronic means is complete as set forth in the applicable Standing Order.
5. A user accesses Court information via the Court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. Although the Court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER login is required, in addition to, the password issued by the Court. To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (<http://pacer.psc.uscourts.gov>).
6. By this registration, the undersigned agrees to abide by all of the rules and regulations in the most recent Standing Order, Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means currently in effect and any changes or additions that may be made to such Administrative Procedures in the future.

Please return to: Clerk's Office
U.S. District Court
for the District of Puerto Rico
Attn: ECF Attorney Registration
Rm 150 Federal Building
150 Chardon Avenue
Hato Rey, P.R. 00918-1767

Date

Attorney/Participant Signature

Your login and password will be sent to you by the Office of the Clerk by regular, first-class mail. If you prefer to have your login/password sent to an address other than the one listed on page one of this form, please write the address in the space provided below:

Firm Address: _____

FORM B

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

SAMPLE FORMATS - CERTIFICATE OF SERVICE

Sample A

I hereby certify that on ____ (Date) ____, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

_____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____
_____.

At _____, Puerto Rico, (Date)

s/ _____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

Sample B

I hereby certify that on ____ (Date) ____, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

_____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____
_____.

At _____, Puerto Rico, (Date)

s/ _____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

	*	
	*	
Plaintiff(s)	*	
	*	
vs.	*	CIVIL CASE NO. _____
	*	
Defendant(s)	*	
_____	*	

NOTICE REGARDING STATE COURT FILE

The original file consisting of certified copies of all pleadings and docket sheet(s) received from the General Court of Justice, Court of First Instance, _____ Part, is in paper form only and is being maintained in the Clerk's Office. The Court of First Instance Case Number is _____. These documents will be available for public viewing and copying between the hours of 9 AM to 4 PM, Monday through Friday, in the Clerk's Office.

At San Juan, Puerto Rico, (Date)

FRANCES RIOS DE MORAN, ESQ.
CLERK OF COURT

Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

)	
)	
Plaintiff)	Case No.
)	
v.)	Judge
)	
Defendant)	
)	
)	
)	

**DECLARATION THAT PARTY WAS UNABLE TO FILE IN A TIMELY MANNER
DUE TO TECHNICAL DIFFICULTIES**

Please take notice that [Plaintiff/Defendant, Name of Party] was unable to file the attached [Title of Document] in a timely manner due to technical difficulties. The deadline for filing the [Title of Document] was [Filing Deadline Date]. The reason(s) that I was unable to file the [Title of Document] in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted, at _____, Puerto Rico, (Date)

s/_____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

**REPORT OF THE PROCEEDINGS
OF THE JUDICIAL CONFERENCE
OF THE UNITED STATES**

September 23, 2003

The Judicial Conference of the United States convened in Washington, D.C., on September 23, 2003, pursuant to the call of the Chief Justice of the United States issued under 28 U.S.C. § 331. The Chief Justice presided, and the following members of the Conference were present:

First Circuit:

Chief Judge Michael Boudin
Judge D. Brock Hornby,
District of Maine

Second Circuit:

Chief Judge John M. Walker, Jr.
Chief Judge Frederick J. Scullin, Jr.,
Northern District of New York

Third Circuit:

Chief Judge Anthony J. Scirica
Chief Judge Sue L. Robinson,
District of Delaware

Fourth Circuit:

Chief Judge William W. Wilkins
Judge David C. Norton,
District of South Carolina

Fifth Circuit:

Chief Judge Carolyn Dineen King
Judge Martin L. C. Feldman,
Eastern District of Louisiana

Judicial Conference of the United States

Sixth Circuit:

Chief Judge Boyce F. Martin, Jr.
Chief Judge Lawrence P. Zatkoff,
Eastern District of Michigan

Seventh Circuit:

Chief Judge Joel M. Flaum
Judge Marvin E. Aspen,
Northern District of Illinois

Eighth Circuit:

Chief Judge James B. Loken
Chief Judge James M. Rosenbaum,
District of Minnesota

Ninth Circuit:

Chief Judge Mary M. Schroeder
Chief Judge David Alan Ezra,
District of Hawaii

Tenth Circuit:

Chief Judge Deanell R. Tacha
Chief Judge Frank Howell Seay,
Eastern District of Oklahoma

Eleventh Circuit:

Chief Judge J. L. Edmondson
Judge J. Owen Forrester
Northern District of Georgia

District of Columbia Circuit:

Chief Judge Douglas H. Ginsburg
Chief Judge Thomas F. Hogan,
District of Columbia

Federal Circuit:

Chief Judge Haldane Robert Mayer

Court of International Trade:

Chief Judge Gregory W. Carman

The following Judicial Conference committee chairs or their designees attended the Conference session: Circuit Judges Edward E. Carnes, Dennis G. Jacobs, Marjorie O. Rendell, and Jane R. Roth and District Judges Lourdes G. Baird, John G. Heyburn II, Sim Lake, David F. Levi, John W. Lungstrum, Catherine D. Perry, Lee H. Rosenthal, Patti B. Saris, Harvey E. Schlesinger, and Frederick P. Stamp, Jr. Karen Greve Milton of the Second Circuit represented the circuit executives.

Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts, attended the session of the Conference, as did Clarence A. Lee, Jr., Associate Director for Management and Operations; William R. Burchill, Jr., Associate Director and General Counsel; Karen K. Siegel, Assistant Director, Judicial Conference Executive Secretariat; Michael W. Blommer, Assistant Director, Legislative Affairs; David Sellers, Assistant Director, Public Affairs; and Wendy Jennis, Deputy Assistant Director, Judicial Conference Executive Secretariat. Judge Barbara Rothstein and Russell Wheeler, Director and Deputy Director of the Federal Judicial Center, also attended the session of the Conference, as did Sally Rider, Administrative Assistant to the Chief Justice; Scott Harris, Supreme Court Legal Counsel; and the 2003-2004 Judicial Fellows.

Senators Patrick J. Leahy and Jeff Sessions and Representative John Conyers, Jr. spoke on matters pending in Congress of interest to the Conference. Attorney General John Ashcroft addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice.

REPORTS

Mr. Mecham reported to the Conference on the judicial business of the courts and on matters relating to the Administrative Office (AO). Judge Rothstein spoke to the Conference about Federal Judicial Center programs, and Judge Diana E. Murphy, Chair of the United States Sentencing Commission, reported on Sentencing Commission activities.

Social Security numbers and names of minor children, are modified or partially redacted. Remote public electronic access to criminal case files was prohibited, with the proviso that the policy would be reexamined within two years. To facilitate that reexamination, in March 2002, the Judicial Conference approved creation of a pilot program to allow selected courts to provide such access (JCUS-MAR 02, p. 10). At this session, noting that a study of the pilot courts revealed no evidence of harm to an individual as a result of remote public access, and that such access reinforced the concept of the courts as being an open, public institution, the Court Administration and Case Management Committee recommended that the Judicial Conference amend current Judicial Conference policy to permit remote public access to electronic criminal case file documents to be the same as public access to criminal case file documents at the courthouse. The Committee also recommended that upon the effective date of any change in policy, the Conference require that personal data identifiers be redacted by the filer of the document, whether the document is filed electronically or on paper, as follows:

1. Social Security numbers to the last four digits;
2. financial account numbers to the last four digits;
3. names of minor children to the initials;
4. dates of birth to the year; and
5. home addresses to city and state.

Further, recognizing the need for specific guidelines before the policy can become effective, and noting concerns expressed by the Committee on Criminal Law, the Committee recommended that the Conference delay the effective date of this new policy until such time as the Conference approves specific guidance on the implementation and operation of the policy to be developed by the Committees on Court Administration and Case Management, Criminal Law, and Defender Services. Finally, pending approval of such guidance, the Committee recommended continuation of the pilot project, with monitoring by the Federal Judicial Center. After discussion, the Conference, with one member dissenting, adopted the Committee's recommendations.

ELECTRONIC ACCESS TO OFFICIAL TRANSCRIPTS

After extensive study, the Committee on Court Administration and Case Management recommended that the Judicial Conference adopt a policy requiring courts that make electronic documents remotely available to the

public to make electronic transcripts of proceedings remotely available if such transcripts are otherwise prepared. The Committee also recommended that the policy include a process for redacting certain identifying information from these documents in order to protect individual privacy and security and to be consistent with the Judicial Conference policy on privacy and public access to electronic case files. In addition, the Committee recommended that it be delegated the authority to develop and issue guidance to the courts on implementation of this policy. In making its recommendations, the Committee specifically noted that it was not the intent of the policy to impact court reporter income, and suggested that the Committee on Judicial Resources examine this issue. After discussion, the Judicial Conference, with one member dissenting, adopted the policy on electronic availability of transcripts of court proceedings recommended by the Committee. However, in light of concerns expressed about the effect of the policy on court reporter compensation, the Conference deferred implementation of the policy until the March 2004 Judicial Conference session, at which time the Conference will consider a report of the Judicial Resources Committee on the impact of the policy on court reporter compensation. The Conference also agreed to delegate to the Committee the authority to develop and issue guidance to the courts upon implementation of the policy.

COMMITTEE ACTIVITIES

The Committee on Court Administration and Case Management reported that it approved a fiscal year 2005 funding request for lawbooks and computer-assisted legal research and provided its recommendations to the Budget Committee to be included in the overall budget request. The Committee also considered how to provide assistance to the courts in implementing the requirements of the E-Government Act of 2002 (Public Law No. 107-347), which requires, among other things, that each appellate, district and bankruptcy court maintain a website that provides information on the clerk's office and chambers; all written opinions issued by the court, in a text-searchable format; and access to documents filed or converted to electronic form. The Committee continued its consideration of long-range planning issues, with a particular focus on the need of the court system to provide court information in languages other than English so as to ensure meaningful access to the federal courts for all citizens.



LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

October 22, 2002

MEMORANDUM TO: CHIEF JUDGES, UNITED STATES COURTS
DISTRICT COURT EXECUTIVES
CLERKS, UNITED STATES COURTS

SUBJECT: Filing and Availability of Official Transcripts of Court
Proceedings **(INFORMATION)**

Several courts and the District Clerks Advisory Group have requested guidance on the statutory and policy requirements for copying official court transcripts of court proceedings filed with the clerk of court. In light of the recent Judicial Conference policy on privacy and the availability of documents in electronic format, the Office of the General Counsel thought it would be helpful to clarify for all courts the statutory and policy requirements on the copying and distribution of official court transcripts on file in a clerk's office.

Pursuant to 28 U.S.C. § 753(b), a court reporter or transcriber must promptly deliver to the clerk of court for the records of the court a certified copy of any transcript when one is produced. The statute further states that the copy of the transcript or original records or notes in the office of the clerk shall be available during office hours for inspection by any person without charge.

Transcripts of court proceedings are not original works of authorship subject to the protection of the Copyright Act (17 U.S.C. § 101). Even if the transcript were a proper subject of the Act, official court reporters would not be able to seek a copyright because their transcripts are prepared as part of their official duties and thus come within the "work of the United States Government" exception. Contract court reporters' and transcribers' work has the same status under the "work made for hire" doctrine (work performed within the scope of person's employment) which applies to an independent contractor as it would to a salaried member of the employer's staff. (*Samet & Wells, Inc. v. Shalom Toy Co., Inc.*, 429 F. Supp. 895 (E.D.N.Y. 1977), *aff'd*, 578 F.2d 1369 (2d Cir. 1978)) Therefore, certified transcripts filed with the clerk of court may not contain statements or seals which purport to restrict the distribution or copying of the transcript by the clerk's office or by the public. Because transcripts filed with the clerk are

public records, they may be used, reproduced and provided to attorneys, parties, and the general public without additional compensation to the court reporter, contractor, or transcriber.

In addition, the Miscellaneous Fee Schedule, prescribed by the Judicial Conference pursuant to 28 U.S.C. § 1913, §1914, §1926, §1930, and § 1932 provides that the clerk shall charge 50 cents per page for reproducing any record or paper. The fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. A transcript, once filed with the clerk, becomes an official court document that should be copied by the clerk for any person paying the required fee under the Miscellaneous Fee Schedule. A person requesting access to the court file may also review transcripts in the file and may make a copy of the transcripts on any commercial copy service equipment available within the court, unless placed under seal. Therefore, a transcript should be handled in the same manner as any other case file document.

Until recently, only paper copies of court transcripts were available. Under the statutory and Judicial Conference actions noted above, the same procedures should apply to any electronic or imaged copies of transcripts made part of the records of the clerk of court. Copies of the electronic or imaged documents in civil cases may be accessed at the courthouse free of charge and printed out at the courthouse at \$.10 per page or through the electronic public access systems (PACER) at the approved Judicial Conference fee of \$.07 per page (Electronic Public Access Fee Schedule). Under the Privacy Policy approved by the Judicial Conference, criminal case file documents, except those in the 10 pilot courts established by the Committee on Court Administration and Case Management or in a court that has invoked the limited “high profile” criminal case exception to the Privacy Policy, may not be accessed by the public through any electronic system, including the PACER system or external transcript depositories used by court reporters to provide public access to transcripts.

As courts implement the new Case Management/Electronic Case Files system, courts will want to consider how best to include transcripts in the new system. This may be done by requiring court reporters or transcribers to file the certified copy of the transcript in an electronic format, or by imaging the transcripts. Under the policies stated above, the non-availability to the public of criminal case file documents, including transcripts, in electronic form should not prevent a court from accepting or requiring the filing of transcripts in an electronic format with an appropriate certification from the court reporter. Accepting an electronic filing of the certified transcript will allow the court to access transcripts electronically within the court and will also save valuable storage space.

I would ask that copies of this memorandum be circulated to the court reporting supervisor and the official court reporters in your court. Questions concerning the filing of court transcripts may be directed to Ed Baca in the District Court Administration Division on 202-502-1570 or by email at Edward.Baca/DCA/AO/USCOURTS; questions concerning the

Judicial Conference's Privacy Policy may be directed to Katie Simon in the Court Administration Policy Staff on 202-502-1563; questions concerning the PACER system may be directed to Brian LeDuc in the Electronic Public Access Program Office at 202-502-1500.

A handwritten signature in black ink, appearing to read "Leonidas Mecham", written in a cursive style.

Leonidas Ralph Mecham
Director

cc: Circuit Executives